

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the above amendments and the following remarks.

Claims 1 and 11 have been amended. Claim 15 has been canceled without prejudice. Claim 16 has been added. Accordingly, Claims 1-8, 11-14 and 16 are presented herewith for further prosecution on their merits.

**I. SUMMARY OF OFFICE ACTION**

The Examiner objected to the disclosure because of several minor informalities; namely, that a reference numeral was missing from the drawings, the inclusion of “legal” phraseology in the Abstract and a minor typographical error.

The Examiner objected to claim 15 because of a typographical error relating to claim dependency.

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by Jones (U.S. Pat. No. 5,596,507).

The Examiner rejected claims 11, 12 and 14 under 35 U.S.C. § 102(b) as being anticipated by Proctor et al. (U.S. Pat. No. 4,967,677).

The Examiner rejected claims 3-8 and 15 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,596,507 to Jones in view of U.S. Patent No. 6,324,854 to Jayanth.

The Examiner rejected claim 13 under U.S.C. § 103(a) as being unpatentable over Proctor in view of Jones et al.

**II. REPLY TO OFFICE ACTION****A. The Rejections Based on Art**

A rejection under 35 U.S.C. §102(b) requires that each and every element of the claimed invention be taught by the cited reference(s). Since a patent must describe and enable an invention to one skilled in the art, an anticipatory patent by definition must place the claimed invention into the public domain. Clearly, U.S. Patent No. 5,596,507 to Jones et al. fails to disclose each and every element of the claimed invention as amended and therefore cannot anticipate Applicant's invention.

Applicants have amended independent claims 1 and 11, and has added new claim 16. Support for these claim amendments is provided at page 19, lines 1-9.

Jones does not disclose or even suggest assigning levels to each parameter and then making determinations based on the actual reading taken for each parameter as claimed by Applicants. Accordingly, Jones cannot anticipate or make obvious Applicants' claims 1 and 11 as amended, or any claim that depends directly or indirectly from claims 1 and 11.

Claim 16 includes specific pre-set levels (in this case 4, namely, LOW, BELOW GOAL, ABOVE GOAL, and HIGH). Faults are determined/detected based on the values measured from a plurality of parameters and where those measured values fall within the pre-set levels. Applicant's method of detecting faults in refrigeration systems, as claimed in claim 16, is unique.

No other publication cited by the Examiner (and, in particular, U.S. Pat. No. 4,967,567 to Proctor and U.S. Pat. No. 6,324,854 to Jayanth), discloses the assignment of specific levels to

each parameter in order to compare the obtained/measured parameters against prescribed operating range values. Accordingly, Jones, Proctor and Jayanth, individually or in combination cannot anticipate nor can they make obvious Applicants' claimed invention.

Applicants believe that all rejections based on art are now traversed.

### **B. The Non-Art Matters**

In response to the Examiner's objection, Applicants have amended Figure 1 by including reference numeral 100 as indicated in red. Applicants submit herewith a marked-up copy of Figure 1, with the numeral --100-- marked in red, and request the Examiner's authorization to permanently amend Figure 1 accordingly.

Applicants have deleted what the Examiner refers to as "legal" phraseology in the Abstract.

Applicants have amended the specification by clarifying references made to Figures 6A-6F. Applicants wish to note that reference to Figures 6A-6F was made on pg. 15, line 14 of the original specification.

No new matter has been added to this application by the aforementioned non-claim amendments.

### **III. CONCLUSION**

Amendments to Figure 1 and the specification were only made to respond to objections related to formal matters (i.e., not substantive matters) pointed out by the Examiner and not in response to any art rejections.

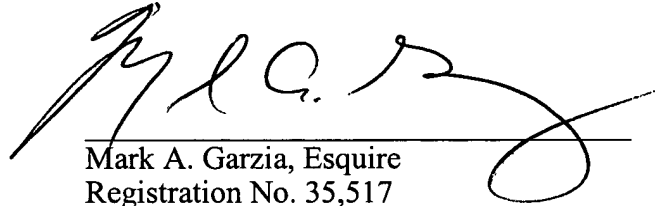
Applicant discloses a unique diagnostic test to detect faults within refrigeration systems. Jones et al., Proctor et al. and/or Jayanth do not teach or suggest Applicants' claimed apparatus nor Applicant's claimed method.

Applicants respectfully request reconsideration of the present application in view of the above amendments and remarks, and the early issuance of a Notice of Allowance for claims 1-8, 11-14, and 16.

Should the Examiner have any questions regarding this application, he is invited to telephone the undersigned in order to expedite the examination procedure.

Respectfully submitted,

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Please amend the application as follows:

**IN THE DRAWINGS**

In Fig. 1, insert reference numeral - 100 - as indicated in red ink on the attached drawing.